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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CORBIS CORPORATION, a Washington
corporation,

Plaintiff,

v.

CARTERET MORTGAGE CORPORATION,
a Virginia corporation,

Defendant.

C05-1469 JCC
No.

COMPLAINT FOR
DAMAGES AND
INJUNCTIVE RELIEF



05-CV-01469-CMP

COMES NOW plaintiff Corbis Corporation, by and through its attorneys Dan J.
Donlan and Lane Powell PC, and alleges as follows:

PARTIES

1. Plaintiff Corbis Corporation ("Corbis") is a Washington corporation with its
principal place of business at 710 Second Avenue, Suite 200, Seattle, King County,
Washington.

2. Upon information and belief, defendant Carteret Mortgage Corporation
("Carteret") is a Virginia corporation with its principal place of business at 6211 Centreville
Road, Centreville, Virginia.

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF - 1
Case No.
118232.0059/1227675.1

ORIGINAL

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JURISDICTION AND VENUE

3. This is a civil action seeking damages and injunctive relief for copyright infringement, and DMCA violations.

4. Jurisdiction by the Court over this action is proper pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338 (copyright) in that this case involves claims brought under federal copyright law, 17 U.S.C. § 101 *et seq.* Additionally, this Court has diversity jurisdiction over the matter pursuant to 28 U.S.C. § 1332, in that the matter in controversy exceeds \$75,000 exclusive of interests and costs, and is between citizens of different states.

5. Venue in the Federal District Court for the Western District of Washington is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and (3).

BACKGROUND

6. Plaintiff Corbis is in the business of licensing photographs and fine art images on behalf of itself and the photographers it represents. Generally, the images in Corbis' collection were taken by professional photographers who earn most or all of their livelihoods from the licensing fees Corbis is able to obtain for their images. Many of the images in Corbis' collection are produced by well-known photographers, and include some of the most recognized images in contemporary society.

7. The images in Corbis' collection are the subject of copyright protection under the laws of the United States, and at considerable expense and effort, Corbis has protected images in its collection by systematically registering the copyrights to the images.

8. Corbis owns and operates a website located at the Internet address www.corbis.com. At Corbis' website, professional and consumer users are able to search hundreds of thousands of images from Corbis' collection and then pay to license the images for personal or commercial use. Visitors to the www.corbis.com site interact with and obtain

1 Corbis images from servers that are located in Seattle, Washington. The www.corbis.com
2 site also prominently displays that Corbis' headquarters are in Seattle, Washington.

3 9. Upon information and belief defendant Carteret is a mortgage company
4 organized under the laws of the State of Virginia that operates in all fifty states and the
5 District of Columbia. At all times relevant hereto, Carteret owned and operated a website
6 located at the Internet address www.mortgagestop.com.

7 10. Upon information and belief, on an as yet unknown date, Carteret or its agents
8 visited Corbis' website, and without authorization, downloaded or copied several Corbis
9 images that had previously been registered with the United States Copyright Office. Then
10 Carteret uploaded or copied these same images to its www.mortgagestop.com website for
11 display on its website.

12 11. Attached hereto as Exhibit A are true and correct copies of screen shots taken
13 from the www.mortgagestop.com website depicting certain infringing images displayed on
14 that website.

15 12. At all relevant times hereto, defendant Carteret displayed these Corbis'
16 copyrighted images on its website without license or other authorization.

17 13. Attached hereto as Exhibit B is a spreadsheet identifying the United States
18 Copyright Office registration certificate numbers for the images displayed on Exhibit A,
19 which evidences that Corbis owns or controls the registered copyrights to the images that
20 were displayed on the www.mortgagestop.com website.

21 14. The defendants' unauthorized use of copyright protected images has caused
22 Corbis to suffer damages in Washington.

23 **FIRST CAUSE OF ACTION – COPYRIGHT INFRINGEMENT**

24 15. Plaintiff Corbis incorporates paragraphs 1 through 14 above, as though fully
25 set forth herein.

1 16. Corbis holds valid and exclusive registered copyrights to the images that are
2 the subject of this action and that are evidenced by the copyright registration certificates
3 referenced by Exhibit B.

4 17. Defendant reproduced, distributed and displayed those images without Corbis'
5 authorization.

6 18. The actions and conduct by Defendant as described above infringe upon
7 Corbis' exclusive rights granted under 17 U.S.C. § 106 to display, reproduce and distribute
8 the registered copyrighted works to the public.

9 19. Such actions and conduct constitute copyright infringement under the
10 Copyright Act of 1976, 17 U.S.C. § 501.

11 20. As a result of the copyright infringement described above, plaintiff Corbis is
12 entitled to relief including, but not limited to, injunctive relief, actual or statutory damages,
13 statutory costs and attorneys' fees, and prejudgment interest.

14 **SECOND CAUSE OF ACTION – DMCA CLAIM**

15 21. Plaintiffs incorporate paragraphs 1 through 20 above as fully set forth herein.

16 22. All of the images that are the subject of this lawsuit were displayed on the
17 www.corbis.com website with corresponding copyright management information (CMI).
18 Upon information and belief, when defendant Carteret duplicated and displayed the subject
19 images on its www.mortgagestop.com website it removed the CMI from the Corbis images.

20 23. Such action, as described above, constitutes a violation of the Digital
21 Millenium Copyright Act, 17 U.S.C. § 1202(b).

22 24. As a result of the conduct described above, plaintiff is entitled to relief
23 including, but not limited to, injunctive relief, actual or statutory damages, statutory costs and
24 attorneys' fees, and prejudgment interest.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Corbis prays for the following relief:

1. On the First Cause of Action, for an award of defendant's profits and for actual damages in such amount as may be found, or for statutory damages of not less than \$750 or more than \$30,000 per image pursuant to 17 U.S.C. § 504(c)(1). Alternatively, for an award of up to \$150,000 upon a finding of willful infringement pursuant to 17 U.S.C. § 504(c)(2). And for an order permanently enjoining defendant from infringing plaintiff's copyrighted images pursuant to 17 U.S.C. § 502 and for an award of costs and attorneys fees pursuant to 17 U.S.C. § 505;
2. On the Second Cause of Action, for an award of damages in such amount as may be found, or alternatively statutory damages of up to \$25,000 pursuant to 17 U.S.C. §§ 1202 and 1203; and for an order permanently enjoining defendant from displaying Corbis' copyrighted images pursuant to 17 U.S.C. §§ 1203(b);
3. For prejudgment interest on the amount of the award to plaintiff; and
4. And for such other and further relief as the Court deems just and proper.

DATED: August 24, 2005.

LANE POWELL PC



By _____
Dan J. Donlan, WSBA No. 25374
Attorneys for Plaintiff
Corbis Corporation